

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CASE NO. 13-CR-20055
HONORABLE GEORGE CARAM STEEH

EMMANUEL GYAMFI,

Defendant.

_____ /

ORDER DISMISSING DEFENDANT'S MOTIONS TO APPEAL
AGAINST AND SUSPEND THE PROPOSED
SENTENCE OF 72 MONTHS IMPRISONMENT (DOC. # 36)

Defendant Emmanuel Gyamfi was convicted, after a jury trial, of Importation of a Controlled Substance (Heroin) in violation of 21 U.S.C. §§ 952(a) and 960(b)(3) and Possession with Intent to Distribute Heroin in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C). On September 25, 2014, the court sentenced Gyamfi to 72 months on Count 1 and 72 months on Count 2, to run concurrent. Judgment was entered accordingly. The day after, Gyamfi, through counsel, appealed the Judgment to the United States Court of Appeals for the Sixth Circuit. Gyamfi's appeal is currently pending.

On October 14, 2014, Gyamfi filed a paper captioned: "RE: MOTIONS TO APPEAL AGAINST AND SUSPEND THE PROPOSED SENTENCE OF 72 MONTHS IMPRISONMENT" (Doc. #36). Because Gyamfi's direct appeal is pending, the court lacks jurisdiction to entertain his motion. *See, e.g., United States v. Christunas*, 126 F.3d 765 (6th Cir. 1997) ("[W]hile upon the filing of a notice of appeal, the district court would have

been divested of jurisdiction to entertain any claims as to defendant.”). Therefore, the motion is DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED.

Dated: December 8, 2014

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on December 8, 2014, by electronic and/or ordinary mail and also on Emmanuel Gyamfi #47951-039, Milan Federal Detention Center, P. O. Box 1000, Milan, MI 48160.

s/Barbara Radke
Deputy Clerk